

# **BOARD OF COAL MINING EXAMINERS**

## **SUMMARY OF MEETING**

**DECEMBER 4, 2007**

**The following is a summary of the December 4, 2007 Meeting:**

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Gerald Kendrick, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. All Board members were present and quorum was made. Also present were Benny R. Wampler, DMME Deputy Director, Sharon Pigeon, Senior Assistant Attorney General and Mary Gibson, Regulatory Boards Administrator.**
- II. Opening statement delivered by Frank Linkous, Chairman**
- III. Motions made and seconded to accept December 2, 2007 meeting agenda and approve November 6, 2007 meeting summary. All members were in favor to approve.**
- IV. Review of Cases of Kentucky Actions for Substance Abuse for Virginia Certificate holders (Closed Session)**

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§2.2-3711(A)(4) and 45.1-161.35(E). In the closed session, the Board worked out agreements allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

**V. Review of Virginia Substance Abuse Cases (Closed Session)**

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**VI. Old Business – Traditional Case**

Individual provided testimony and evidence that West Virginia certification has been reinstated. After review and discussion by the BOARD, Virginia certification of individual was reinstated.

## **VII. Open Agenda**

During open agenda discussions, the Board considered spreadsheet which showed the status of all cases/decisions that have been handled to date by the BOARD since initiation of the Substance Abuse procedures. The BOARD also discussed re-notification of miners of temporary suspension of certifications subsequent to the initial notification being returned to DMME as unclaimed or undeliverable in order to enter individuals on the docket. The Board voted to re-notify such individuals the opportunity to appear at the next scheduled hearing before the Board. After that timeframe, they will be removed from the docket.

## **VIII. Adjournment at 2:33 PM**